

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.03 C, Closed Area No. 14, Portland - Falmouth Area, promulgated on February 14, 2003, is repealed and replaced with the following rule:

**TEXT OF RULE: DMR Regulation 95.03 C, Closed Area No. 14, Portland- Falmouth Area.**

Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Towns of Falmouth, Cape Elizabeth, and the Cities of Portland and South Portland, including islands and the Presumpscot River, Back Cove, Fore River and their tributaries, inside and west of a line drawn from the southwest tip of McKenney Point, Cape Elizabeth, to the navigational marker on Taylor Reef; then running north to the east tip of Peaks Island, Portland; then running northwest to the northeast tip of Cow Island, Portland; then running west to the south tip of the most southern island of The Brothers; then running northwest to a red painted post on the north shore of Mackworth Cove.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204).

EFFECTIVE DATE: July 8, 2004

AGENCY CONTACT PERSON: Amy M. Fitzpatrick  
Department of Marine Resources  
194 McKown Point Road  
West Boothbay Harbor, ME 04575

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### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.03 C, Closed Area No. 14, Portland - Falmouth Area, promulgated on February 14, 2003, and replaces it with a new rule. This new regulation closes Mackworth Cove due to an overflow at the Portland Sewage Treatment Plant. The area will be reopened when sampling confirms that water quality and shellfish have returned to approved standards

The closed areas are subject to pollution, which poses a threat to public health.

  
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DAVID ETNIER  
DEPUTY COMMISSIONER





# Maine Department of Marine Resources

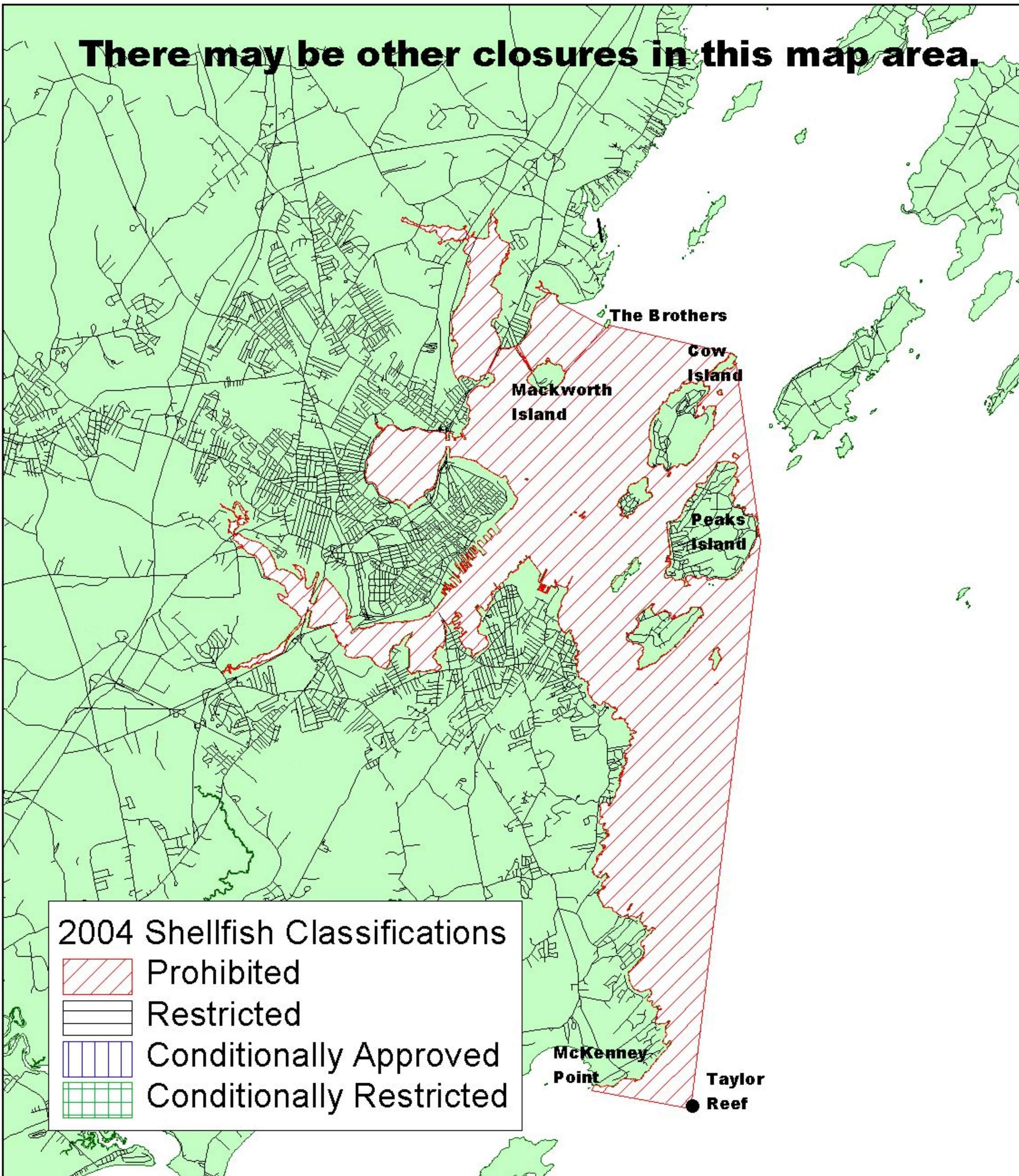
Legal Notice of Shellfish Closure Area

**C14 Portland-Falmouth**

7/8/04



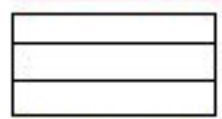
**There may be other closures in this map area.**



## 2004 Shellfish Classifications



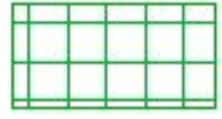
Prohibited



Restricted



Conditionally Approved



Conditionally Restricted

McKenney  
Point

Taylor  
Reef

1 0 1 2 Miles